

### Remarks

In the subject action, claims 1-2, 6-9, 21 and 27 were allowed. Claims 10, 17, 19, 20 and 22-26 were rejected. Claims 4-5 and 11-13 were objected to for being dependent on rejected claims, otherwise allowable.

In response, Applicant has further amended claim 4. The amendment is formality in nature. No new matter has been introduced.

Accordingly, claims 1-2, 4-13, 17 and 19-27 are now pending.

### Objections against claims 4-5

In response, claim 4 has been amended to properly depend from allowed claim 1, thereby overcoming the objection.

### Rejection against claims 19 and 20

Claims 19 and 20 were rejected under 103(a) as being unpatentable over Aucsmith and in view of Pendakar. Applicant respectfully disagrees.

As indicated in the last response, claim 19 recites *injecting a plurality of copies of a runtime manager along with obscuring instructions into the computer instructions to be protected*. The claim language specifies multiple copies of a runtime manager. Therefore, these multiple copies include identical copies of the same runtime manager.

By rejecting claim 19 in view of Aucsmith and Pendakur combined, the Examiner has conceded that Aucsmith does not teach the injection of multiple copies of a runtime manager along with obscuring instructions into the computer instructions to be protected. The Examiner then reasoned that Pendakur teaches a

runtime manager. Therefore, one of ordinary skilled in the art, “motivated by making the runtime manager secure and tamper resistant would include the runtime manager”.

But, Pendakur merely teaches, a runtime manager may be the computer instructions that get protected. It does not teach or suggest what’s required by claims 19 & 20 recitations, which is in the course of obfuscating some target computer instructions, *the obfuscation includes injection of multiple copies of a runtime manager along with the obscuring instructions*.

In maintaining the rejections, the Examiner also refers to the Examiner’s answer to Applicant’s arguments, which merely states

A employee database can have

{ordinary employee records (encrypted (ordinary sensitive info), unencrypted not sensitive info);

Legally sensitive employee records (encrypted (encrypted (ordinary sensitive info) unencrypted not sensitive info))}

The Examiner’s response does not address the failure of Aucsmith and Pendakar to teach “*in the course of protecting some target computer instructions, the obfuscation includes injection of multiple copies of a runtime manager along with the obscuring instructions*”.

Therefore, for at least these reasons, Applicant submit claim 19 is not obvious and is patentable over Aucsmith and Pendakar combined.

Claim 20 depends on claim 19 incorporating its limitations. Therefore, for at least the same reasons, claim 20 is patentable over Aucsmith and Pendakar combined.

Rejection against claims 10, 17 and 22-27

Claims 10, 17 and 22-27 were rejected under 103 as being unpatentable over Aucsmith and in view of Bellar, and Applicant's Admittance of Prior Art (AAPA). Applicant respectfully disagrees.

First, Applicant did not admit that "nested encrypted data blocks" are known in the art. Applicant merely asserted that the plain meaning of the word "nested" is known to those of ordinary skill. Therefore, when Applicant uses the word "nested" to describe Applicant's invention as including one encrypted data block being "nested" in another encrypted data block, by virtue of the understanding of the plain meaning of the word "nested", a person of ordinary skill would understand Applicant is describing one encrypted data block having the "nested" encrypted data block. Applicant's reasoning is in no way an admission that "nested encrypted data blocks" are known to those of ordinary skill.

Nevertheless, in the interest of expeditiously bringing prosecution on the merit to an end, Applicant has further amended claim 10 to include the successive and recursive encryptions to use a plurality of encryption keys, *with the second inner most nested encrypted data block having the inner most nested encrypted data block and the encryption key used to generate the inner most nested encrypted data block*. The recitation is neither taught nor suggested by Aucsmith, nor Bellar.

Therefore, for at least the above reasons, claim 10 is patentable over Aucsmith and Bellar. [There is no AAPA.]

Claim 17 depends from claim 10, incorporating its recitations. Therefore, for at least the same reasons, claim 17 is patentable over Aucsmith and Bellar.

Claim 22 requires among other things, the recitation of "*retrieving a first decryption key from the loaded plurality of nested encrypted executable instruction blocks*" which is in substance the same recitations discussed in conjunction with claim 10, except phrased recite a decryptor . Accordingly, for at least the same reasons as cited with claim 10, claim 22 is patentable over Aucsmith and Bellar. [There is no AAPA.]

Claims 23-27 depend from claim 22, incorporating its limitations. Therefore, for at least the same reasons, claims 23-27 are patentable over the cited references.

#### Objections against claim 11-13

Claims 11-13 depend from claim 10. Since claim 10 is now allowable, claims 11-13 are no longer depend on rejected claims, and are therefore patentable without having to be re-written in independent forms.


#### Conclusion

In conclusion, remaining claim 1-2, 4-13, 17 and 19-27 are in condition of allowance. Early issuance of Notice of Allowance is respectfully requested.

Please charge any fees required for this submission to deposit account 500393.

Respectfully submitted,  
Schwabe, Williamson and Wyatt

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